



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 636 Dispur, Tuesday, 20th September, 2022, 29th Bhadra, 1944 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ELECTION DEPARTMENT ::::: DISPUR

NOTIFICATION

The 19th September, 2022

No. ELE.323/2021/473.- The order No. 76/AS-LA/2021/CEMS-I Dated 6th September, 2022 of the Election Commission of India, is hereby published for general information.



भारत निर्वाचन आयोग ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/AS-LA/2021/CEMS-I/

Dated:

6th September, 2022
15 Bhadra, 1944 (Saka)

ORDER

WHEREAS, the General Election to Legislative Assembly of Assam, 2021 for 53-Guwahati East Assembly Constituency was held in pursuance of the Election Commission of India Notification No. 464/AS-LA/2021, dated 12th March, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the election for 53-Guwahati East Assembly Constituency of Assam, 2021 was declared by the Returning Officer on 02nd May, 2021 and hence the last date for lodging the account of Election Expenses was 01st June, 2021; and

WHEREAS, the Commission having regard to the then prevailing pandemic situation of Covid-19, decided to condone any incidence of late submission of account by candidate till 31st July, 2021; and

WHEREAS, as per the report dated 26-05-2021 of the DEO, Kamrup (Metro), under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961, received from the CEO, Assam vide his letter no. ELE..283/2021/58, dated 15.09.2021, Sh. Diwas Phukan, a contesting candidate from 53-Guwahati East Assembly Constituency of Assam, 2021 has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said report of the District Election Officer, a Show-Cause notice No. 76/AS-LA/53/2021/CEMS-I, dated 14th October, 2021 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India Sh. Diwas Phukan, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, Sh. Diwas Phukan, was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of election expenses with the District Election Officer, Kamrup (Metro). District within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, Kamrup (Metro), District, has reported that the said notice was served to Sh. Diwas Phukan, on 31.12.2021; and

WHEREAS, the CEO, Assam vide letter no ELE.323/2021/308, dated 12.05.2022 forwarded the District Election Officer, Kamrup (Metro), Supplementary Report No.K(M)EL-113/2021/35 dated 17th January, 2022 and reported stated that Sh. Diwas Phukan has not submitted any representation of a statement of correct account of election expenses duly signed alongwith original vouchers etc. Further, after receipt of the said notice, Sh. Diwas Phukan has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that:-

"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and*
- (b) has no good reason or justification for the failure,*

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order."

WHEREAS, on the basis of facts and available records, the Commission is satisfied that Sh. Diwas Phukan has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Sh. Diwas Phukan, Hengrabari, Dispur, Gauhati-6 Assam and a contesting candidate in 53-Guwahati East Assembly Constituency of the State of Assam in the General Election to the Legislative Assembly 2021 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

(SUJEET KUMAR MISHRA)

SECRETARY

To
Sh. Diwas Phukan,
Hengrabari, Dispur, Gauhati-6 Assam

NITIN KHADE,
Chief Electoral Officer, Assam,
Dispur, Guwahati-06